

By: Burkett

H.B. No. 148

A BILL TO BE ENTITLED

AN ACT

relating to aid provided to certain voters; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 64.036(d), Election Code, is amended to read as follows:

(d) An offense under this section is a state jail felony ~~[Class A misdemeanor]~~.

SECTION 2. Section 86.0051, Election Code, is amended by adding Subsection (b-1) and amending Subsections (c), (d), and (e) to read as follows:

(b-1) A person may not deposit in the mail or with a common or contract carrier more than two carrier envelopes containing ballots voted by other persons in an election.

(c) A person commits an offense if the person knowingly violates Subsection (b) or (b-1). It is not a defense to an offense under this subsection that the voter voluntarily gave another person possession of the voter's carrier envelope.

(d) An offense under this section is a state jail felony ~~[Class B misdemeanor]~~, unless the person is convicted of an offense under Section 64.036 for providing unlawful assistance to the same voter in connection with the same ballot, in which event the offense is a ~~[state jail]~~ felony of the third degree.

(e) Subsections (a) and (c) do not apply if the person is

1 related to the applicant within the second degree by affinity or the  
2 third degree by consanguinity, as determined under Subchapter B,  
3 Chapter 573, Government Code~~[, or is registered to vote at the same~~  
4 ~~address as the applicant]~~. Subsection (c) does not apply to an  
5 employee of a state licensed care facility where the voter resides  
6 who is working in the normal course of the employee's authorized  
7 duties.

8 SECTION 3. Section 86.006(f), Election Code, is amended to  
9 read as follows:

10 (f) A person commits an offense if the person knowingly  
11 possesses an official ballot or official carrier envelope provided  
12 under this code to another. Unless the person possessed the ballot  
13 or carrier envelope with intent to defraud the voter or the election  
14 authority, this subsection does not apply to a person who, on the  
15 date of the offense, was:

16 (1) related to the voter within the second degree by  
17 affinity or the third degree by consanguinity, as determined under  
18 Subchapter B, Chapter 573, Government Code;

19 (2) registered to vote at the same address as the  
20 voter;

21 (3) an early voting clerk or a deputy early voting  
22 clerk;

23 (4) a person who possesses the carrier envelope in  
24 order to deposit the envelope in the mail or with a common or  
25 contract carrier and who provides the information required by  
26 Section 86.0051(b) in accordance with that section;

27 (5) an employee of the United States Postal Service

working in the normal course of the employee's authorized duties;  
[or]

(6) a common or contract carrier working in the normal course of the carrier's authorized duties if the official ballot is sealed in an official carrier envelope that is accompanied by an individual delivery receipt for that particular carrier envelope; or

(7) an employee of a state licensed care facility where the voter resides who is working in the normal course of the employee's authorized duties.

SECTION 4. Sections 86.010(g) and (h), Election Code, are amended to read as follows:

(g) An offense under this section is a state jail felony ~~[Class A misdemeanor]~~ unless the person is convicted of an offense under Section 64.036 for providing unlawful assistance to the same voter, in which event the offense is a ~~[state jail]~~ felony of the third degree.

(h) Subsection (f) does not apply if the person is related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code~~[, or is registered to vote at the same address as the applicant].~~

SECTION 5. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of

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1 this section, an offense was committed before the effective date of  
2 this Act if any element of the offense occurred before that date.

3 SECTION 6. This Act takes effect September 1, 2013.